

REMARKS

Claims 1-33 are currently pending in the application. The claims have not been amended. By the present remarks, Applicant submits that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

35 U.S.C. § 102(e)**Over EDWARDS**

Applicant traverses the rejection of claims 1 – 4, 7 – 21, and 24 – 32 under 35 U.S.C. §102(e) as being anticipated by EDWARDS (U.S. Patent No. 6,248,210). The Examiner asserts that EDWARDS discloses a process for pressing and dewatering a fibrous web, in which a nip pressure profile is optimized on a shoe press on a Yankee cylinder. The Examiner asserts that EDWARDS discloses a process for pressing and dewatering a fibrous web, in which a nip pressure profile is optimized on a shoe press on a Yankee cylinder. See page 2 of the instant Office Action. However, the Examiner admits that EDWARDS discloses the “typical shoe press” as a comparative example in Figure 3 and is considered by EDWARDS to be ill-suited for low weight absorbent papers. See page 6 of the instant Office under the Response to Arguments section. The Examiner asserts that Figure 3 shows a shoe press length of 50 mm (with peak pressure of 4,500 kN/m² (4.5 MPa)) – 120 mm (with peak pressure of 1,500 kN/m² (1.5 MPa)), and that Figure 12 shows line load data for these shoes ranging from 87.5 kN/m – 250 kN/m. The Examiner further asserts that the pressure gradients impart no

apparent structural limitations and thus EDWARDS is indistinguishable from the claimed invention. Applicant traverses the Examiner's assertions.

Applicants' independent claim 1 recites, in part, *inter alia*,

“...a shoe pressing unit and a Yankee drying cylinder arranged to form at least one press nip having a length in a web travel direction greater than approximately 80 mm, and having a pressure profile which results over the press nip length with a maximum pressing pressure which is less than or equal to approximately 2 MPa... ”

Applicant submits that EDWARDS fails to anticipate at least the above-noted combination of features.

As noted above, the Examiner has acknowledged that EDWARDS considers the “typical shoe press” to be ill-suited for use in the disclosed method and apparatus. Thus, Applicant respectfully submits EDWARDS expressly teaches against using the conventional shoe press arrangement with a Yankee dryer, in particular, EDWARDS discloses in part:

“...since the press nip for low weight tissue and towel grades is pressure controlled, the very low peak pressure could cause a decrease in post press dryness, ultimately causing a loss in production. The counter roll in a conventional shoe press is smaller by comparison to the diameter of a Yankee dryer. As a result, the use of a conventional shoe shape would make it very difficult to remove the felt/fabric from the sheet at the nip exit. Therefore, conventional shoes shapes and conventional felt/fabric takeoff angles would exacerbate rewet for low weight absorbent products.”

See Column 5, lines 55 – 65. Because EDWARDS admits a typical shoe press is not appropriately suited for use in the manner asserted by the Examiner in the pending rejection, Applicant submits that EDWARDS is non-enabling for the use of a

conventional shoe press on a Yankee dryer, and therefore, cannot anticipate the instant invention under 35 U.S.C. § 102 (b).

Again, Applicant notes that EDWARDS expressly teaches against using the typical press shoe in the disclosed apparatus, such that the recited combination of features are not taught in a single embodiment by EDWARDS. Thus, Applicant submits that this document fails to expressly or impliedly disclose a single embodiment that includes the combination of features recited in at least independent claim 1.

Moreover, it is apparent the Examiner's assertions about EDWARDS, i.e.,

“...it is submitted that Edwards discloses the claimed press shoe length, peak pressure, and line load, all in this comparative example...”

are improper and should be withdrawn. See page 6, last full paragraph. Nothing in EDWARDS discloses the recited features as recited in independent claim 1, such as, *inter alia*, the nip size and pressing pressure. In fact, as noted above, EDWARDS expressly discloses not to use a conventional shoe press with a Yankee dryer (where an example of a conventional shoe press not suited for use with a Yankee dryer has a length of 120 mm with a maximum pressure of 1,700 kN/m²). Thus, EDWARDS expressly discloses *not* to structure and arrange the elements of a machine in the manner recited in the pending claims. Further, EDWARDS is directed to a press in which the minimum pressure is greater than 2,000 kN/m², which is contrary to the expressly recited features of the claims.

Furthermore, while the Examiner asserts that the pressure gradients impart no apparent structural limitations (see page 4, second full paragraph and page 7 first full paragraph), Applicant again asserts that the particular pressures recited in the claims

are directed to the structural make-up of the claimed “machine” and, therefore, must be considered by the Examiner in properly examining the claims. Thus, Applicant submits that each and every claim recitation should be considered and not singularly disregarded, as the Examiner has done. Further, Applicant submits that the exerting of the pressure results from an arrangement of the elements recited in the claims, such that the arrangement of elements is not merely an intended use, but a positive arrangement of elements requiring consideration by the Examiner.

Further, as EDWARDS expressly discloses that the typical shoe press would not produce the steep, sharp pressure gradient required by the EDWARDS process and apparatus, such that EDWARDS further expressly teaches against the use of a “conventional” press shoe, such that no single embodiment of EDWARDS anticipates at least the independent claim.

Furthermore, because the applied reference of EDWARDS fails to disclose each and every element recited in the claims, Applicant submits that EDWARDS fails to provide an adequate evidentiary basis to support a rejection of anticipation under 35 U.S.C. §102(e). Moreover, Applicant submits that claims 2 – 4, 7 – 21, and 27 – 32 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1 – 4, 7 – 21, and 24 – 32 under 35 U.S.C. § 102 and indicate that the instant invention is allowable.

35 U.S.C. § 103(a)1. Over EDWARDS in view of LAAPOTTI

Applicants traverse the rejection of claims 5 and 6 under 35 U.S.C. §103(a) as being unpatentable over EDWARDS in view of LAAPOTTI (U.S. Patent No. 5,043,046). The Examiner asserts that, while EDWARDS fails to disclose a plurality of press elements, LAAPOTTI shows such a feature. Applicant traverses the Examiner's assertions.

Applicants note that LAAPOTTI fails to provide any teaching or suggestion for modifying EDWARDS in a manner contrary to the express disclosure of EDWARDS. That is, as EDWARDS expressly discloses that a typical press shoe should not be used as part of the apparatus, Applicant submits that LAAPOTTI fails to provide any teaching or suggestion that would have made it obvious to one ordinarily skilled in the art to modify EDWARDS to include such a press shoe.

Because EDWARDS expressly teaches against the Examiner's asserted modification, and LAAPOTTI provides no teaching or suggestion that this express disclosure of EDWARDS is improper or incorrect, Applicant submits that the asserted combination of EDWARDS and LAAPOTTI fails to render obvious the instant invention.

Further, Applicant submits that claims 5 and 6 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of EDWARDS and LAAPOTTI teaches or suggests the combination of features recited in the above-noted claims.

Accordingly, Applicant request that the Examiner reconsider and withdraw the rejection of claims 5 and 6 35 U.S.C. §103(a) and indicate that these claims are allowable.

2. Over EDWARDS in view of BLUHM and TAPIO

Applicant traverses the rejection of claims 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over EDWARDS in view of BLUHM et al. (U.S. Patent No. 5,556,511) [hereinafter "BLUHM"] and TAPIO et al. (U.S. Patent No. 4,139,410) [hereinafter "TAPIO"]. The Examiner asserts that, while EDWARDS fails to disclose a plurality of press nips, BLUHM and TAPIO disclose such a feature and it would have been obvious to modify EDWARDS in view of this teaching of BLUHM and TAPIO. Applicant traverses the Examiner's assertions:

Applicant notes that BLUHM and TAPIO fail to provide any teaching or suggestion for modifying EDWARDS in a manner contrary to the express disclosure of EDWARDS. That is, as EDWARDS expressly discloses that a typical press shoe should not be used as part of the apparatus, Applicant submits that BLUHM and TAPIO fail to provide any teaching or suggestion that would have made it obvious to one ordinarily skilled in the art to modify EDWARDS to include such a press shoe.

Because EDWARDS expressly teaches against the Examiner's asserted modification, and BLUHM and TAPIO provide no teaching or suggestion that this express disclosure of EDWARDS is improper or incorrect, Applicant submits that the asserted combination of EDWARDS, BLUHM, and TAPIO fails to render obvious the instant invention.

Further, Applicant submits that claims 22 and 23 are allowable at least for the reason that these claims depend from allowable base claims and because these claims recite additional features that further define the present invention. In particular, Applicant submits that no proper combination of EDWARDS, BLUHM and TAPIO teaches or suggests the combination of features recited in the above-noted claims.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 22 and 23 35 U.S.C. §103(a) and indicate that these claims are allowable.

3. Over EDWARDS in view of SAUER

Applicant traverses the rejection of claim 33 under 35 U.S.C. §103(a) as being unpatentable over EDWARDS in view of SAUER (U.S. Patent No. 5,019,211). The Examiner asserts that, while EDWARDS fails to disclose a web having curled fibers, SAUER discloses that the use of such fibers is well known, such that it would have been obvious to modify EDWARDS in view of SAUER. Applicant traverses the Examiner's assertions.

Applicant notes that SAUER fails to provide any teaching or suggestion for modifying EDWARDS in a manner contrary to the express disclosure of EDWARDS. That is, as EDWARDS expressly discloses that a typical press shoe should not be used as part of the apparatus, Applicant submits that SAUER fails to provide any teaching or suggestion that would have made it obvious to one ordinarily skilled in the art to modify EDWARDS to include such a press shoe.

Because EDWARDS expressly teaches against the Examiner's asserted modification, and SAUER provides no teaching or suggestion that this express

disclosure of EDWARDS is improper or incorrect, Applicant submits that the asserted combination of EDWARDS and SAUER fails to render obvious the instant invention. Further, Applicant submits that claim 33 is allowable at least for the reason that it depends from allowable base claims and because it recites additional features that further define the present invention. In particular, Applicant submits that no proper combination of EDWARDS and SAUER teaches or suggests the combination of features recited in the above-noted claim.

Accordingly, Applicant requests that the Examiner reconsider and withdraw the rejection of claim 33 under 35 U.S.C. §103(a) and indicate that this claim is allowable.

Application is Allowable

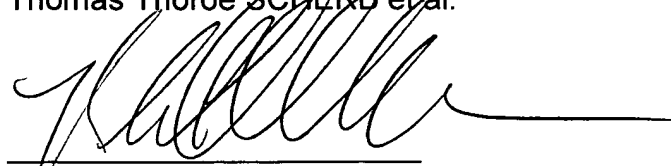
Thus, Applicant respectfully submits that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 1 – 33. The applied references of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
Thomas Thoroe SCHERB et al.

A handwritten signature in dark ink, appearing to read 'Neil F. Greenblum', written over a horizontal line.

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